

Application No.: 09/635,693
Amendment dated November 25, 2003
Reply to Office Action of August 27, 2003

REMARKS

I. FORMAL MATTERS

The Examiner is thanked for indicated the allowability of claim 2.

The Examiner has objected to claims 4 and 5 because the previous amendment of those claims was based upon an earlier state of those claims, specifically, the Amendment filed September 6, 2002 removed any multi-dependency from claims 4 and 5.

II. THE CLAIMED INVENTION

Applicants' claimed invention, as recited in claim 3, is a folding container. It comprises side walls which surround a bottom portion of the folding container and which can be folded so as to overlap the bottom portion. The side walls each have engagement frame sections formed thereon for engaging the adjacent side walls; as a result, when stood up perpendicularly with respect to the bottom portion, the side walls do not fall down inward. The bottom portion has locking blocks formed thereon which support the bottom portion of a stacked folded folding container. Those side walls each have recesses formed therein and each contain an open underside into which a cooperating locking block of an assembled folding container is received. The engagement frame sections of side walls mutually engage the cooperative surfaces of adjacent side walls and to connect lockingly the adjacent side wall with respect to the bottom portion when the wall is stood up. There are engagement projections extending *perpendicularly from the plane of the* engagement frame sections of opposed side walls, which are configured to fit in corresponding *through-holes* in cooperating fitting sections formed in upstanding

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surfaces in the bottom portion when the opposed side walls are stood up perpendicularly with respect to the bottom portion.

III. THE PRIOR ART REJECTION

A. The Examiner's Position

Claims 3 and 4 have been rejected under 35 U.S.C. §102(b) as being anticipated by *Tanabe* (JP 04-44948). Claims 3-5 have been rejected 35 U.S.C. §103(a) as being obvious *Tanabe*, *Lubric* and *Umiker* in view of certain secondary references.

Applicants previously traversed these rejections by arguing that "claim 3 recites the existence of engagement projections 308f extending perpendicularly from the engagement frame sections 308 of the concerned walls, 300, and of cooperating through-holes 112a disposed in fitting sections 112 . . ." a feature not disclosed in *Tanabe*. The Examiner now replies that the "projection is perpendicular to the surface from which it extends and this surface is part of the engagement portion."

B. Applicants' Response

Applicants respectfully point out that claim 3 recites a *through-hole* whereas the *Tanabe*, *Lubric* and *Umiker* references discloses *recesses* only. Further, there is nothing within those references which would motivate one skilled in the art to modify the disclosure in a way to obtain the presently claimed invention.

With respect to the perpendicular projection, Applicants have amended claim 3 to recite that the projection is perpendicular to "the plane" of the engagement frame sections of the opposed walls. In the references, the projections are *in the plane*.

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These structural features of the projection and through-holes distinguish the secondary references as well. Applicants therefore believe that their application is now in condition for allowance and request favorable consideration.

IV. CONCLUSION


For at least the foregoing reasons, it is believed that the application, as amended, is in condition for allowance.

If, for any reason, it is believed that this application is not in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachment: Change of Correspondence Address
SMD/rer

U.S. Patent Application
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Amendment (7 pages)
Change of Correspondence Address - Application (1 page)



Receipt is hereby acknowledged of the papers filed as indicated in connection with the above-identified case.

SMD/er